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Final Amended Claims
after "Examiner Amendment" (6/1/04)
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IN THE CLAIMS:

Please amend claims 1, 2 and 17 as shown below. The following listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A device for passing fluid in a vessel while preventing emboli in the fluid from passing through the vessel, comprising:
- a steerable guide wire;
 - a sheath fixedly attached to the guide wire;
 - a tubular shaft member having a proximal and distal end which is movable along the guide wire [in a co axial arrangement]; and
 - a filtering assembly [attached to] disposed on the tubular shaft member which is movable between a collapsed and expanded position, the filtering assembly being constricted within the sheath while in the collapsed position and expanded within the vessel when released from constriction within the sheath to become disposed against the vessel to pass fluid in the vessel while blocking the passage of emboli in the vessel, the filtering assembly including an expandable structure ^{cut} ~~formed~~ from a portion of the tubular shaft member.

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2. (Currently Amended) The filtering device of claim 1, wherein:
the expandable structure of the filtering assembly [has] includes a plurality of splines disposed in annularly spaced relationship to one another and a filter member is attached to the splines.
3. (Previously Presented) The filtering device of claim 2, wherein:
the splines are formed from a material having shape memory for disposition against the vessel when released from the sheath and
the filter member is formed from a material having properties of passing the fluid in the vessel while blocking the passage of emboli in the vessel.
4. (Previously Presented) The filtering device of claim 1, wherein:
the filtering assembly becomes disposed within the sheath when the tubular shaft member becomes disposed within the sheath.
5. (Original) The filtering device of claim 1, wherein:
the filtering assembly is self-deploying.
6. (Previously Presented) The filtering device of claim 2, wherein:
the splines are self-expanding.

7. (Original) The filtering device of claim 2, wherein:

the tubular shaft member has a recess for housing the splines when the filtering assembly is in the collapsed position.

8. (Original) The filtering device of claim 1, wherein:

the sheath is made from a polymer and has a length to ensure that all of the emboli remain in the sheath when the filtering assembly is moved from the expanded position back into the collapsed position within the sheath.

9. (Original) The filtering device of claim 1, wherein:

the filtering assembly has a length to ensure that all of the emboli remain in the filter member when the filtering assembly is moved from the expanded position back into the collapsed position within the sheath.

10. (Original) The filtering device of claim 1, wherein:

the filtering assembly has a memory for expanding against the vessel when the tubular shaft member and filtering assembly are displaced relative to the sheath so that they are no longer housed within the sheath.

11. (Previously Presented) The filtering device of claim 1, wherein:

the tubular shaft member is made from a material having flexible properties and properties of withstanding buckling.

12. (Original) The filtering device of claim 1, wherein:

the sheath has a flexibility and shape dependent upon the characteristics of the tortuous anatomy through which the sheath passes.

13. (Original) The filtering device of claim 1, wherein:

the filtering assembly has a plurality of splines which are made from a resilient material capable of withstanding buckling and which are spaced angularly from one another and which are provided with a memory for expansion to a particular configuration and which are covered with a filter member.

14. (Original) The filtering device of claim 1, wherein:

the sheath has distal and proximal ends, the distal end of the sheath being attached to a guide wire and the proximal end having a opening for receiving the filtering assembly.

15. (Original) The filtering device of claim 14, wherein:

the proximal end opening of the sheath is flared outward.

16. (Original) The filtering device of claim 1, wherein:

the tubular shaft member is made from hypotube formed from a nickel titanium alloy.

17. (Currently Amended) A method of passing fluid in a vessel and of preventing emboli in the fluid from passing through the vessel from a lesion in the vessel, including the steps of:

providing a filtering assembly having constricted and expanded positions and having properties in the expanded position of passing fluid while blocking the passage of emboli from the lesion, the filtering assembly being [mounted to] disposed on a tubular shaft member having a lumen for receiving a guide wire, the filtering assembly ^{cut} including an expandable structure formed from a portion of the tubular shaft member,

disposing the filtering assembly in a sheath fixedly attached to a steerable guide wire in the constricted position with the filtering assembly disposed in the sheath and movable relative to the sheath, the steerable guide wire being disposed and movable within the lumen of the tubular shaft member,

positioning the filtering assembly and the sheath in the vessel at a position past the lesion in the direction of the fluid flow in the vessel,

producing relative movement between the sheath and the filtering assembly in a direction to move the filtering assembly in the expanded position, and

expanding the opening in the vessel at the position of the lesion with an interventional device while the filtering assembly remains in the expanded relationship to provide for the operation of the filtering assembly in passing the fluid while blocking the passage of emboli created during the expansion of the opening in the vessel.

18. (Original) A method as set forth in claim 17, including the step of:

withdrawing the sheath and the filtering assembly from the vessel after the disposition of the filtering assembly in the sheath with the emboli disposed within the filtering assembly.

19. (Previously Presented) A method as set forth in claim 18, wherein:

the filtering assembly is disposed in a fixed relationship on the tubular shaft member and the tubular shaft member is a hypotube,

the hypotube is made from a flexible material having properties of withstanding buckling, and

the distal end of the hypotube becomes disposed within the sheath when the filtering assembly is placed into the sheath.

20. (Original) A method as set forth in claim 19, wherein:

the filtering assembly is formed from angularly spaced splines formed from a resilient material capable of withstanding buckling, and

the splines are covered with a filter member made from a material having properties of passing the fluid while blocking the passage of the emboli in the fluid.

21. (Original) A method as set forth in claim 17, wherein:

the filtering assembly is disposed in a fixed relationship on a hypotube,

the hypotube is made from a flexible material having properties of withstanding buckling, and

the distal end of the hypotube becomes disposed within the sheath when the filtering assembly is placed into the sheath.

22. (Previously Presented) A device for passing fluid in a vessel while preventing emboli in the fluid from passing through the vessel, comprising:

a guide wire;

a sheath attached to the guide wire;

a tubular shaft member movable along the guide wire in a co-axial arrangement; and

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a self-expanding filtering structure ^{cut} ~~formed~~ from a portion of the tubular shaft member, the self-expanding filtering structure being movable between a collapsed ^{position within the sheath} and expanded position ^{an} ~~and~~ ^{when released from the sheath} including a filter member attached thereto.

23. (Previously Presented) The filtering device of claim 22, wherein:

the self-expanding filtering structure includes a plurality of splines formed from a portion of the tubular shaft member.

24. (Previously Presented) The filtering device of claim 23, wherein:

a plurality of recesses are formed in the tubular shaft member for housing the plurality of splines when the filtering structure is placed in the collapsed position to reduce the profile of the filtering structure.

25. (Previously Presented) The filtering device of claim 23, wherein:

the plurality of splines are biased to the expanded position.

26. (Previously Presented) The filtering device of claim 22, wherein:

the tubular shaft member is a hypotube made from nickel-titanium alloy